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Tension between unions, mayor dates back to 2002

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Gloucester police Sgt. John McCarthy's lawsuit against the city is one example of what has been a contentious relationship between the police unions and Mayor John Bell.

Most of it involves unsettled contracts - though last week the two sides made progress when the 13-member Superior Officers Association and the city agreed for the first time in nearly four years to terms on their contract, avoiding arbitration. The 47-member patrolmen's union has been without a contract since 2002 and filed for arbitration in February.

Even before the unions sought arbitration, the two sides became engaged in another dispute involving the 2002 incident with the mayor's son and a friend who were detained by officers and later released.

Tension over 2002 incident

The sparring began in December when the unions sent Bell a letter expressing "anger and dismay" after the mayor called some in the department "toxic" and "in need of anger management."

The mayor's comments aired on a local access cable show after callers questioned Bell about the night of June 27, 2002, when his son, Robert, and a friend were brought into the police station after police said they found part of a marijuana cigarette in the friend's purse.

Robert Bell and his friend were released to their parents that night, raising questions in the community as to whether the mayor used his influence to keep them from being charged and whether three officers on duty that night, including Beaudette, were promoted in return for quashing criminal charges against the mayor's son and his friend.

In an interview with the Times, Bell called the accusations baseless and said he and his wife told police not to treat their son any differently than anyone else brought in under the same circumstances.

As far as his comments on the cable television show, Bell said he was not speaking of the entire department, but rather a few people in the department.

"I think most of our public safety people in Gloucester, both fire and police, do an extraordinary job for this community," he said on the program, which first aired Dec. 20. "But there's a couple of toxic people in the station that aren't helping to build better relations."

Both the patrolmen's and the senior officers unions wrote letters Dec. 29 to the administration complaining of the comments.

"The GPPA members work on a daily basis to gain the trust and confidence of the citizens of Gloucester," patrolmen's union president John Foote Jr. and secretary Michael Williams Jr. wrote. "Your comments have had a demoralizing effect and subjected us to vexing embarrassment."

Bell accused the police unions of trying to use his comments for their benefit.

"I'm taken aback that the mayor once again isn't allowed to have his First Amendment rights, responsible First Amendment rights, and is not allowed to express his feelings in a thoughtful way," Bell said. "It's a shame they have to talk to the mayor through their attorney when my office is always open."

John Becker, an attorney representing the Gloucester Senior Officers Association, wrote that union's letter; Foote and Williams wrote the patrolmen's letter.

Discretion the issue in 2002

Robert Bell and his friend, Marie Muniz, were both 19 at the time of the 2002 incident, but their information did not appear in the June 27 public police log examined by the Times, raising suspicion among some, including a published report in a Boston newspaper.

Beaudette, who was then a lieutenant in charge of the shift the night Muniz and Bell were detained, said the log was not changed or left incomplete to benefit Robert Bell or his father.

The police chief and the watch commander have discretion over whether to charge someone, Beaudette said, adding there is no written policy outlining that discretion. That night, Beaudette said, he took the advice of the two officers who brought in Bell and Muniz. Neither Bell nor Muniz had any criminal record. That, and the small amount of marijuana found in Muniz' purse, led to his decision not to charge them, he said.

"If they wanted them booked, I absolutely would have booked them," Beaudette said of the two officers.

City Councilor and former acting police chief Michael McLeod, who was a detective lieutenant working the night shift on June 27, 2002, said there are no specific guidelines on how and when to use discretion in bringing criminal charges, but that it is a power recognized by the federal government and affirmed by the Supreme Court.

"There is no sense in ruining a young person's career for a joint, and the police can use discretion at that level," McLeod said. "It's well within their bounds."

Robert Bell said he was not treated any differently because of his father's position.

"In no way, shape or form was I given any special treatment," he said in an e-mail to the Times. "We had a very small amount of marijuana, and it was our first offense. I think if you ask most police officers they would have done the same."

Patrolman Williams said in a union statement to the Times that generally, two young people brought in with marijuana would be charged with possession.

Neither Officers David Adams nor Beth Rigney, who detained Bell and Muniz, and who have left the Gloucester force, could be located for comment.

Promotions questioned

As for the accusations of promoting people due to that night, Bell and police officials vehemently deny it. They say promotions within the department were well deserved.

The police chief on June 27, 2002, was James Marr, who retired in February 2003 at the age of 61.

After Marr retired, Bell appointed McLeod as acting police chief. When McLeod retired on Dec. 31, 2004, John Bell appointed Beaudette as the permanent police chief. McLeod is now running for mayor.

Another officer connected to the 2002 incident is Sgt. Michael O'Hanley, who was Beaudette's second in command of the night shift. Bell promoted O'Hanley to lieutenant on Oct. 7, 2005, a move that prompted a federal lawsuit from Sgt. John McCarthy, who alleges that O'Hanley was unfairly promoted over McCarthy despite McCarthy having a higher score on a promotional exam. The suit, which was scheduled to go to trial this month, does not cite the 2002 incident. The McCarthy trial date has been continued.

McCarthy would not comment on the lawsuit. Bell also did not want to comment, citing the upcoming trial.

Bell, Beaudette and McLeod say the incident involving the mayor's son had no bearing on the subsequent promotions of McLeod to acting chief and Beaudette to permanent chief.

McLeod said he was involved in the process that led to Beaudette being selected as his successor. Beaudette was one of the three top candidates for the job but did not have the best score on the civil service exam. McLeod and Beaudette said there was no impropriety in Beaudette's selection.

"Absolutely not. Jimmy Marr was chief and had no intention of leaving," Beaudette, 54, said. "I thought he'd be here when I retired."

Bell, as the authority that hires and fires the police chief, does not have to choose the top-scoring candidate the search committee finds, but must select from the top three.

Council: Not concerned

City Council President James Destino said he does not believe there is any connection between the incident involving Robert Bell and Muniz and the subsequent promotions of McLeod, Beaudette and O'Hanley. Destino said he and other councilors have no desire to delve deeper into the situation.

"You obviously don't know John Bell if you think that could happen," Destino said.

However, the police union members said the allegations over the incident have created a "dark cloud" over the city, and, while not actively seeking an investigation, said a "formal inquiry by an outside agency" would help restore the public's confidence in its police department.

"Whether they discover that there is nothing to the story, with those involved being exonerated, or that there was wrongdoing that needs to be addressed, either way the city and the department would be better served by it," Williams, the spokesman for the patrolman's union, wrote in an e-mail to the Times.

Bell told the Times he is confident any inquiry into the night in question would not reveal any wrongdoing.

"My wife and I made it clear to the only other officer we saw that we wanted our son treated as anyone else was treated," Bell said. "I didn't use mayoral influence directed at our son."

Staff writer Richard Gaines contributed to this report.

A night in question

The following is a breakdown of the police matter involving Mayor John Bell's son, Robert, and friend Marie Muniz the night of June 27, 2002:

- * Patrolman David Adams and Patrolwoman Bethany Rigney respond at 10:53 p.m. to the Hovey School near Summer Street to investigate a parking complaint.
- * They request a tow truck to tow Muniz's car, which she was driving with Robert Bell as her passenger. Rigney searches Muniz and finds a partially smoked marijuana cigarette in her handbag. The circumstances leading to the search are unclear.
- * She handcuffs Muniz and transports her to the police station while Adams takes Bell to the station in his cruiser.
- * The parents of each are then called and come to the station to pick up their children.
- * Both teenagers are released without being charged. Muniz and her father, Jack, both refused to comment when contacted by the Times.
- * During the 4 p.m. to midnight shift that night, 38 officers and supervisors are scheduled because of the high number of calls to police typically generated during the city's annual St. Peter's Fiesta. The 67 calls

during that shift ranged from illegal parking to fighting to motor vehicle accidents to a drunken driving arrest.

* The names, addresses and other information from other individuals who are connected to incidents involving the police but not arrested are included in the public police log, but Muniz and Robert Bell are not listed, based on a Times review of the log entries.

* The entry for the 10:53 p.m. call involving Robert Bell and Muniz only states that Tally's was called to "assist for a trespass tow" at 10:53 p.m., "problem resolved/peace restored" at 11:04 p.m., and the scene was cleared by 11:29 p.m.

* No information about the kind of vehicle that was towed, the vehicle's owner or the people involved is listed. The amount and type of information listed varies greatly on similar calls, police say. Several similar entries list names, addresses, birth dates, license plate numbers and sometimes Social Security numbers. Some just list the complaining party, with address and birth date.

Source: Police records, current Chief John Beaudette